



STATE OF NEW YORK DEPARTMENT OF HEALTH

Coming Tower

The Governor Nelson A. Rockefeller Empire State Plaza

Albany, New York 12237

February 23, 2007

Jeffrey G. Schneider, Esq.
Hogan & Hartson, LLP
875 Third Avenue
New York, NY 10022

Re: Parker Jewish Institute
March 23, 2006 Survey
Stipulation and Order #HHC-07-01

Dear Mr. Schneider:

Here is a copy for your records of the fully executed Stipulation and Order that concludes the above matter. Payment in full of the \$8,000 civil penalty is hereby acknowledged. If you have any questions please call me at (518) 473-5174.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Martin Bleich'.

Martin Bleich
Senior Attorney
Division of Legal Affairs

cc: Bureau of Home Care

STATE OF NEW YORK : DEPARTMENT OF HEALTH

IN THE MATTER

OF

STIPULATION

PARKER JEWISH INSTITUTE FOR HEALTH
CARE & REHABILITATION

AND

Respondent,

ORDER

as operator of

HHC-07-01

PARKER JEWISH INSTITUTE FOR HEALTH
CARE & REHABILITATION
One Delaware Drive
Lake Success, New York 11042

arising out of alleged violations of Article 36 of the Public Health Law
of the State of New York and Title 10 (Health) of the Official
Compilation of Codes, Rules and Regulations of the State of New York.

WHEREAS, the New York State Department of Health (the "Department") has conducted surveys and inspections of Parker Jewish Institute for Health Care and Rehabilitation, operated by Parker Jewish Institute for Health Care and Rehabilitation (the "Respondent") and has found violations of Article 36 of the Public Health Law and Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York (10 NYCRR); and

WHEREAS, a Statement of Deficiencies resulting from the Department's survey completed on March 3, 2006 was issued to the Respondent; and

WHEREAS, prior to the service on the Respondent of a Notice of Hearing and Statement of Charges and the commencement by the Department of an administrative enforcement action based on the alleged violations, the Department and the Respondent engaged in settlement discussions; and

WHEREAS, the parties now wish to resolve this matter by means of a settlement instead of

an adversarial administrative hearing.

NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS:

1. The matter relating to alleged violations of Article 36 of the Public Health Law and 10 NYCRR, as set forth in the Statement of Deficiencies, dated March 3, 2006 is hereby settled and discontinued with prejudice upon the terms and conditions set forth in this Stipulation and Order.

2. Solely for the purpose of resolving the instant administrative matter, the Respondent admits the existence of substantial evidence of violations of 10 NYCRR 763.11(a): Governing Authority; 10 NYCRR 763.11(b): Governing Authority; 10 NYCRR 763.6(e): Patient Assessment and Plan of Care; and 10 NYCRR 763.4(h): Policies and Procedures of Service Delivery. The foregoing admission is not intended for use in any other forum, tribunal or court, including any Medicare or Medicaid enforcement proceeding and including any civil or criminal proceeding in which the issues or burden of proof may differ. Any such admission is without prejudice to the Respondent's rights, defenses and claims in any other matter, proceeding, action, hearing or litigation not involving the Department. It is agreed that the foregoing admission is not intended to be dispositive of any allegations of medical malpractice that may be made in a civil action for monetary damages.

3. Pursuant to Sections 12 and 206 of the Public Health Law, a civil penalty of Eight Thousand Dollars (\$8,000) is assessed against the Respondent. The Respondent shall pay that amount within thirty (30) days from the effective date of this Stipulation and Order.

4. Payment shall be made to the New York State Department of Health, Bureau of Accounts Management, Coming Tower, Room 1258, Empire State Plaza, Albany, New York 12237-0016. Any civil penalty not paid by the date prescribed herein shall be subject to all

provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection and non-renewal of permits and licenses. [Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32].

5. The Respondent consents to the issuance of this Stipulation and Order, accepts its terms and conditions, and waives any right to challenge or review this Stipulation and Order through administrative or judicial proceedings, including a proceeding pursuant to Article 78 of the Civil Practice Law and Rules.

6. This Stipulation and Order shall be effective upon service on Respondent or Respondent's attorney or representative of a copy by personal service or by certified or registered mail.

DATED: New Hyde Park, New York
JANUARY 31, 2007

PARKER JEWISH INSTITUTE FOR HEALTH
CARE & REHABILITATION

BY: 
MICHAEL N. ROSENTHAL, President/CEO

AGREED AND SO ORDERED:

DATED: Albany, New York
2-16 -, 2007

New York State Department of Health

BY: 
BRIAN J. WING
Interim Executive Deputy Commissioner

To: Jeffrey G. Schneider, Esq.
Hogan & Hartson LLP
875 Third Avenue
New York, NY 10022

Inquiries to: Martin Bleich, Senior Attorney
Telephone: (518) 473-5174
Fax No.: (518) 486-1858

Mail Payment To:

New York State Department of Health
Bureau of Accounts Management
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Empire State Plaza
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